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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,350	01/23/2004	John W. PerMar JR.	103.2160	8108

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EXAMINER

LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,350

Applicant(s)

PERMAR, JOHN W.

Examiner

Edward F. Landrum

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Pardue (U.S Patent No. 5,822,866).

Regarding claims 1, 8, 12-14, 16, 20-22, and 24 Pardue teaches (see Figure 1) a blade (24) rotably connected to a handle (22) movable between an open position and a closed position. The blade having (see Figures 4-6) a U-shaped first lock member receiving recess (72) defined by a bottom wall and two opposing sidewalls, and a second L-shaped lock receiving member recess (42), adjacent to the first recess (76), defined by a bottom wall (nearest to 42 in Figure 4) and a side wall (nearest to U-shaped member 72).

Furthermore, Pardue teaches (see Figures 4-7) a lock bar (80) pivotally connected to the handle comprising a first lock member (64) defined by a bottom wall (nearest 64) and two sidewalls (62 and 53), and a second locking member (to the left of opening 92 in Figure 4) having a bottom wall (above 44) and a side wall (to the right of 44). The sidewall (53) of the first locked portion contacts the first lock member recess (72) when the blade is open.

Lastly, Pardue teaches (see Figure 4) a lock pin (44) adjacent to both locking members and in contact with the second sidewall of the first recess lock member (64) and the bottom wall (nearest 42) of the second lock member receiving recess.

Regarding claim 2, 4, 15, 18, 23, and 26 Pardue teaches (see Figure 4) the bottom wall and sidewall of the second lock member (left of 92) are spaced apart from the bottom wall and side wall of the second lock member receiving recess (42).

Regarding claim 3, 17, and 25 Pardue teaches (see Figure 4) the sidewall of the second lock member receiving recess (closest to 72) is spaced apart from the lock pin (44).

Regarding claim 5 Pardue teaches (see Figure 4) a connection means (20 and 28) received in a passageway (32) to connect the handle (22) and the blade (24).

Regarding claim 6 Pardue teaches (see Figure 4) a lock bar connecting member (84) designed to let the lock bar (80 and 54) pivot.

Regarding claim 7, 19, and 27 Pardue teaches (see Figure 5) the lock bar (80 and 54) being connected to a spring member (70).

Regarding claim 9 Pardue teaches (see Figure 1) the blade having an upper edge (74) and a sharpened lower edge (78).

Regarding claim 10 Pardue teaches (see Figure 6) the lower edge (78) of the blade (24) being adjacent to the lower edge of lock bar (80 and 54) when the blade (24) is in a closed position.

Regarding claim 11 Pardue teaches (see Figures 1 and 4) a blade (24) having a distal end and a proximal end, with a recess (76) formed in the proximal end.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pittman (U.S Patent No. 5,615,484) and Glesser et al (U.S Publication No. 2002/0000042) teach the use of locking pins in folding knives. Ennis (U.S Patent No. 5,095,624), Seely (U.S Patent No. 1,189,005), Hull (U.S Patent No. 5,826,340), and McHenry et al (U.S Patent No. 6,675,484) teach spring biased lock bars with one or two locking members, and blades with one or two recesses for locking members.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

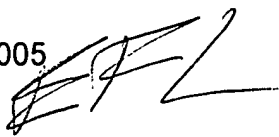
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12/9/2005

EFL

A handwritten signature in black ink, appearing to be 'EFL', written over the date and name.A handwritten signature in black ink, appearing to be 'ay', written above the name.

Allan N. Shoap
Supervisory Patent Examiner
Group 3700